

REMARKS

Claims 1-17 are pending in this application. Claims 3-16 stand withdrawn.

By this Amendment, claim 1 is amended and claim 17 is added, to recite additional features. See the specification at, for example, Figs. 16a-16c and paragraphs [0120] and [0123].

Fig. 44 is amended to be labeled as "prior art," as the Examiner requested. The Abstract is amended to contain no more than 150 words.

Reconsideration of the application is respectfully requested.

The Office Action objects to the drawings. Fig. 44 is amended as "prior art." Accordingly, withdrawal of the objection to the drawings is respectfully requested.

The Office Action objects to the Abstract. The Abstract is amended to contain no more than 150 words. Accordingly, withdrawal of the objection to the Abstract is respectfully requested.

The Office Action rejects claims 1 and 2 under 35 U.S.C. §103(a) over U.S. Patent No. 7,005,205 to Gyoten et al. in view of U.S. Patent No. 6,387,558 to Mizuno et al. This rejection is respectfully traversed.

The Office Action asserts that Gyoten discloses in Fig. 1 carbon particles 5 in carbon paper 4 having a diameter larger than the pinhole 8 in electrode 2. The Office Action further asserts that the bottom portion of the pinhole 8 is larger than the size of the opening midway along the length of the pinhole.

The Office Action recognizes that Gyoten does not disclose two electrodes in the recited fuel cell, but asserts that Mizuno discloses a fuel cell having dual electrodes at col. 6, line 13-col. 9, line 12. The Office Action further asserts that one of ordinary skill would have been motivated to combine Gyoten and Mizuno to render obvious the subject matter recited in claims 1 and 2.

However, the Office Action's assertions are improper for at least the following two reasons.

First, the pinhole 8 in Gyoten is formed in resin layer 2, which is disclosed as an electrode. See Gyoten at col. 6, lines 16-19. Gyoten does not disclose that the pinhole 8 is formed in a steel sheet 1 beneath the resin layer 2. Thus, Gyoten does not disclose the substrate having a gas flow path formed therein, as recited in claim 1.

Second, one of ordinary skill would not have had any reason to combine Mizuno with Gyoten. In particular, Mizuno's collecting plate 36 and 37 (see Fig. 3 and col. 7, lines 55-59) would conflict with Gyoten's resin layer 2. Thus, the reliance on Mizuno for disclosing a fuel cell having dual electrodes is flawed.

To expedite prosecution, claim 1 is amended to recite "the first gas flow path having a trapezoidal shape." The applied references do not disclose or suggest this additional feature, as recited in claim 1.

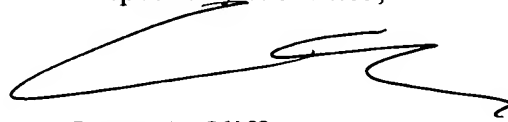
For at least the above reasons, withdrawal of the rejection of claim 1, and claim 2 depending therefrom, under 35 U.S.C. §103(a) is respectfully requested.

Claim 17 is patentable at least in view of the patentability of claim 1, from which it depends, as well as for additional features it recites.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Replacement Sheet
Amended Abstract

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